

ATTACHMENT 2

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)	
MICHIGAN ACCESS, INC. , for temporary and)	
permanent licenses to provide local exchange)	Case No. U-14896
services in all zone and exchange areas throughout)	
the state of Michigan.)	
_____)	

At the August 22, 2006 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. J. Peter Lark, Chairman
Hon. Laura Chappelle, Commissioner
Hon. Monica Martinez, Commissioner

ORDER

On May 17, 2006, Michigan Access, Inc., filed an application, pursuant to the Michigan Telecommunications Act (MTA), MCL 484.2101 *et seq.*, for a license to provide basic local exchange service in all exchanges and zones throughout the state of Michigan. On June 27, 2006, Michigan Access received a temporary license.

At a hearing on August 2, 2006, Michigan Access presented the testimony and exhibits of Glenn Wilson, President. At the close of the hearing, the parties waived compliance with the provisions of Section 81 of the Michigan Administrative Procedures Act, MCL 24.281. Shortly following the hearing, it was discovered that Michigan Access, Inc., had inadvertently failed to notice two entities that should have been noticed. A letter was sent to those entities to complete noticing requirements. Interventions were due for the original notice on July 29, 2006. The

August 8, 2006 letter asked for any comments or concerns to be filed by August 21, 2006. No comments were received.

After a review of the application and testimony, the Commission finds that approval of the application is in the public interest. On numerous occasions, the Commission has found that competition can be advantageous to the citizens of this state. Approval of the request for a license to provide basic local exchange service will expand the opportunities for competition. Accordingly, the application should be approved. The grant of a license is conditioned on full compliance with the provisions of the MTA, as well as the anti-slamming procedures adopted in Case No. U-11900 and the number reclamation process adopted in Case No. U-12703. Failure to comply fully may result in revocation of the license or other penalties. Further, the grant of a license is conditioned upon the provision of service to customers within a reasonable time. Failure to do so may result in revocation of the license. Finally, the Commission notes that any numbers obtained by the applicant are a public resource and are not owned by the applicant. Consequently, if the applicant fails to provide service or goes out of business, any numbers assigned to it are subject to reclamation.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 *et seq.*; 1969 PA 306, as amended, MCL 24.201 *et seq.*; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 *et seq.*

b. Michigan Access possesses sufficient technical, financial, and managerial resources and abilities to provide basic local exchange service to all residential and commercial customers within the geographic area of the license and intends to provide service within one year from the date of this order.

c. Granting Michigan Access a license to provide basic local exchange service in the requested areas will not be contrary to the public interest.

THEREFORE, IT IS ORDERED that:

A. Michigan Access, Inc., is granted a license to provide basic local exchange service in all exchanges and zones throughout the state of Michigan.

B. Michigan Access, Inc., shall provide basic local exchange service in accordance with the regulatory requirements specified in the Michigan Telecommunications Act, MCL 484.2101 *et seq.*, including the number portability provisions of Section 358, the anti-slamming procedures adopted in Case No. U-11900, and the number reclamation process adopted in Case No. U-12703.

C. Before commencing basic local exchange service, Michigan Access, Inc., shall submit its tariff reflecting the services that it will offer and identifying the exchanges in which it will offer service.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, pursuant to MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark

Chairman

(S E A L)

/s/ Laura Chappelle

Commissioner

/s/ Monica Martinez

Commissioner

By its action of August 22, 2006.

/s/ Mary Jo Kunkle

Its Executive Secretary

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, pursuant to MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of August 22, 2006.

Its Executive Secretary

ATTACHMENT 3

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * *

Application of Michigan Access, Inc.
for designation as an eligible
telecommunications carrier pursuant to Section
214(e)(2) of the Communications Act of 1934

)
)
)
)
)
)

Case No. U- 16085

**APPLICATION OF MICHIGAN ACCESS, INC.
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Michigan Access, Inc. (“Michigan Access”), pursuant to Sections 214(e)(2), 214(e)(6) and 254 of the Communications Act of 1934, the Federal Communications Commission’s (“FCC”) Report and Order in CC Docket No. 96-45, Sections 201 and 203 of the Michigan Telecommunications Act (“MTA”), and the Michigan Public Service Commission’s (“Commission” or “MPSC”) October 18, 2005 Order in MPSC Case No. U-14530, hereby petitions the Commission for designation as an Eligible Telecommunications Carrier (“ETC”) in order to receive Universal Service Fund (“USF”) support throughout its licensed service area within the state of Michigan. In support of this Application, Michigan Access states as follows:

I. INTRODUCTION

Michigan Access requests to be designated as an ETC for purposes of qualifying to receive federal universal service support in its licensed service area. Michigan Access seeks to receive both high cost support, including High Cost Loop (HCL), Local Switching Support (LSS), High Cost Model (HCM), and Interstate Common Line Support (ICLS), and Lifeline/Link-Up Support in its licensed service area in Michigan.

Michigan Access is a Competitive Local Exchange Carrier (“CLEC”) licensed by the Commission to provide basic local exchange service. In Case No. U-14896, in an order dated August 22, 2006, the Commission licensed Michigan Access to provide basic local exchange service in all zones and exchanges throughout the State of Michigan. Michigan Access’ tariff for the provision of basic local exchange service, Tariff MPSC No. 1R, is on file with the Commission. Michigan Access also is registered with the Commission as toll reseller. Michigan Access offers services either through its own facilities (including cell towers), the lease of unbundled network elements (“UNEs”), or resale of other carriers’ services.

Michigan Access is properly registered with the FCC to provide telecommunications services under 47 CFR § 64.1195.

II. MICHIGAN ACCESS MEETS THE STATUTORY AND REGULATORY PREREQUISITES FOR ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATIONS.

A. Contact Information

Michigan Access’ full name and address are set forth below:

Michigan Access, Inc.
Attn: Glenn Wilson
380 E Borden Road
Rose City, MI 48654

The names and address of Michigan Access’ counsel in this matter are set forth below:

Hai Jiang (P67088)
Gary L. Field (P37270)
FIELD LAW GROUP, PLLC
915 N. Washington Avenue
Lansing, Michigan 48906
(517) 913-5100
Facsimile (517) 913-3471
Hjiang@fieldlawgroup.com
gfield@fieldlawgroup.com

B. Wire centers

Michigan Access seeks to receive both high cost support and Lifeline/Link-Up support in its licensed area in Michigan. Michigan Access is licensed to serve all zones and exchanges throughout the entire state of Michigan.

C. Michigan Access offers all of the services supported by the federal high cost universal service program.

Michigan Access will comply with each of the federal Telecommunications Act of 1996's ("1996 Act") eligibility requirements for universal service support. Specifically, it will (1) offer the services that are supported by federal universal service support mechanisms under Section 254(c), either through its own facilities, lease of UNEs primarily from Verizon and AT&T or resale of another carrier's services (including the services offered by another ETC), and (2) advertise the availability of such services and the charges for those services in media of general distribution.

Michigan Access will provide the services that are eligible for universal service support, as described in 47 CFR § 54.101, including (1) voice-grade access to the public switched network, (2) local usage, (3) dual tone multi-frequency signaling or its functional equivalent, (4) single party service or its functional equivalent, (5) access to emergency services, (6) access to operator services, (7) access to interexchange services, (8) access to directory assistance, and (9) toll limitation for qualifying low income customers.

Michigan Access will provide service on a timely basis to requesting customers within the Michigan Access' service area where Michigan Access' network already passes the potential customer's premises; and will provide service within a reasonable period of time, if the potential customer is within Michigan Access' licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by:

- (1) Modifying or replacing the requesting customer's equipment;
- (2) Deploying a roof-mounted antenna or other equipment;
- (3) Adjusting the nearest cell tower;

- (4) Adjusting network or customer facilities;
- (5) Reselling services from another carrier's facilities to provide Service.

D. Michigan Access is committed to consumer protection.

Michigan Access is familiar with this Commission's Rules Governing the Quality of Telecommunications Services and has agreed to abide by those rules, and other applicable rules and regulations of this Commission, as a condition of receiving its license to provide basic local exchange service in MPSC Cases No. U-14896. Michigan Access affirms its commitment to satisfy this Commission's consumer protection and service quality standards if certified as an ETC. Michigan Access has filed with the FCC the CPNI Policy that it uses to protect consumers' information. The CPNI Policy filing is attached as **Exhibit A**.

E. Michigan Access will advertise its universal service offering.

Michigan Access will use media of general distribution to advertise the availability of the supported services and the corresponding charges in a manner that fully informs the general public within the vicinity of the service area of the services and charges. Its advertisement will comply with all form and content requirements, if any, promulgated by the FCC or this Commission and required of all designated ETCs.

F. Intent to file Five year Improvement Plan

On March 17, 2005, the FCC amended its rules on universal service and added to the requirements for a provider to be designated an ETC for purposes of receiving USF support. This Commission adopted those requirements by Order on October 18, 2005. The Commission requires each ETC to provide a five-year plan that demonstrates how high-cost universal service support will be used to improve coverage, service quality, or capacity in every wire center for which it seeks designation. These improvements are to be designed to ensure that the ETC will provide service throughout its proposed designated service area to all customers making a reasonable request

for service. If certified as an ETC, Michigan Access commits to development and filing of such a report and to annual filings indicating the progress it has made achieving the goals contained in its five-year plan.

G. Michigan Access is able to function in emergency situations.

Michigan Access offers the supported services either through its own facilities, the lease of UNEs or resale of other LECs' services. The facilities are physical components of the telecommunications network that are used in the transmission or routing of the services for which support is requested. Michigan Access' facilities include both its own facilities and unbundled network elements leased from AT&T and Verizon. The method by which Michigan Access provisions the supported services is consistent with the FCC's rules and Michigan Access' emergency preparedness is of the quality of AT&T and Verizon. Each of Michigan Access' network elements can be powered by backup generators that are in place, and available, in the event of an electric utility outage or emergency situation.

Further, Michigan Access' facilities are supported by a natural gas powered generator. Its backup power can be supplied indefinitely. Because Michigan Access maintains redundant and diverse routed facilities to most of the end offices that it serves, it can reroute traffic around damaged facilities, when such is required. In addition, Michigan Access generally operates with about 50% spare capacity, so Michigan Access is capable of managing traffic spikes resulting from emergency situations.

H. Michigan Access Local Usage Plans

Michigan Access provides basic local exchange services comparable to those offered by AT&T, Verizon and other carriers. Michigan Access' rates and charges do not differ within areas of Michigan. The page of Michigan Access' tariff outlining its local usage plan is attached as **Exhibit**

B. Michigan Access' calling plan page posted on its website is attached as **Exhibit C.** Michigan

Access also offers primary basic local exchange service to its eligible residential customers. The tariff pages detailing the primary basic local exchange service offering are attached as **Exhibit D**.

I. Equal Access

Michigan Access acknowledges that it may be required to provide equal access if all other ETCs in the designated service area relinquish their designations pursuant to 47 USC 214(e)(4).

III. REQUEST FOR EX PARTE TREATMENT

This Application may be approved and the requested ETC designation may be made without the time and expense of a hearing under Section 203(1) of the MTA. Neither the MTA nor any other law requires that a hearing be held. The Commission has repeatedly concluded that it need not solicit comment on the application for designation as an ETC since it would only further delay the application. Therefore, no notice of hearing is required.

IV. CONCLUSION

Based on all the information set forth above, Michigan Access has demonstrated that it satisfies the requirements under both the FCC's rules and the Commission's rules and regulations.

WHEREFORE, Michigan Access, Inc. respectfully requests that the Michigan Public Service Commission either by order or minute action without a hearing within ninety (90) days from the date of this Application:

- A. Designate Michigan Access, Inc. as an eligible telecommunications carrier for purposes of receiving federal universal service support for high cost support, and Lifeline/Link-Up support in the state of Michigan;
- B. Designate Michigan Access, Inc.'s licensed service area as a service area for purposes of determining universal service obligations and support mechanisms;
- C. Order the Executive Secretary to send appropriate notice of this order to the Federal Communications Commission and the Universal Service Administrative Company; and

D. Order such other relief as may be appropriate.

September 11, 2009

Respectfully Submitted,

/s/ Hai Jiang

By one of its attorneys

Hai Jiang (P67088)

Gary L. Field (P37270)

FIELD LAW GROUP, PLLC

915 N. Washington Avenue

Lansing, Michigan 48906

(517) 913-5100

Facsimile (517) 913-3471

Attorneys for Michigan Access, Inc.

ATTACHMENT 4



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
MICHIGAN BROADBAND DEVELOPMENT AUTHORITY
LANSING

JAMES W. BUTLER, III
VICE PRESIDENT

April 22, 2004

For Immediate Release

*Contact Brian Sydnor
517.241.2121*

\$1.3 Million Loan Advances Governor's Broadband Goal

Today the Michigan Broadband Development Authority (MBDA) closed a \$1.3 million loan to M-33 Access—a wireless Internet service provider based in Rose City, Michigan. The loan will extend and improve wireless broadband service in a 10,000 square mile region stretching across one of the state's most rural and underserved regions. This expanded network (when complete) will be the largest of its kind in the country, covering the counties of Alcona, Alpena, Arenac, Crawford, Iosco, Montmorency, Ogemaw, Oscoda, Otsego and Roscommon, and some portions of Bay, Clare, Kalkaska, Missaukee, Gladwin and Presque Isle.

The financing means a region with a population in excess of 392,000 residents will now enjoy access to wireless broadband service. When fully operational, approximately 158,500 households and 9700 businesses will have access to the network. Governor Granholm's State of the State Address established a goal of expanding affordable broadband service to each corner of the state by 2007 and she lauded M-33 for its innovation in serving the region: "M-33 is a fast growing Michigan-based company that is revolutionizing how broadband can be delivered to users in an effective and cost-efficient manner. I am thrilled that the entrepreneurial spirit behind this company can be supported by the state's Broadband Authority loan. This is exactly the type of project I envisioned when challenging the Authority to help speed service to all parts of our great state."

The loan will also be used by M-33 to provide broadband service to Kirtland Community College (KCC) and the Northeast Michigan Electronic Consortium Internet Group (NEMECIG)—a consortium of 13 public school districts, the M-TEC center in Gaylord, and 2 intermediate school districts in the region. These entities will save nearly \$1 million in telecommunications costs and will have expanded and improved high-speed services as a result of this project. "I am a strong advocate for providing our students with the best possible tools to improve the quality of their education," said Glenn Wilson, President, Chief Executive Officer and founder of M-33 Access. "I am obviously excited about the project in its entirety, but often think about the new and exciting world this network will offer to students in the area." The project will provide broadband access to more than 22,000 K-12 public school students.

The vice-president of the MBDA, James Butler, III, feels this project is directly linked to the vision under which the MBDA was created. "Providing affordable broadband access to underserved regions of the state comes as a directive right from the statute creating the Broadband Authority. No other loan application typifies this directive more than this project does," said Mr. Butler. "When you talk about complete accessibility across 10 counties covering

10,000 square miles, in one of the most pristine and rural areas of our state, there is no better project that can be tied to our mission.”

M-33 Access presently serves approximately 300 wireless broadband customers and in excess of 7000 dial-up customers. It will continue its efforts offering reduced Internet accessibility costs to many of its customers. Through its Net4Kids program, it offers discounted Internet service to the parents of children in grades K-12. That same program allows customers to donate 10 percent of their monthly service fees to their school district. Additionally, the expansion will also allow M-33 Access to offer its services to the faculty and students of the areas it serves at discounted rates.

"The Governor's vision for cool cities and hot jobs throughout a Michigan connected by high-speed Internet access is further realized by this loan," said David C. Hollister, Director of the Michigan Department of Labor & Economic Growth. "Providers like M-33 Access are helping us ensure that high speed Internet access is a reality everywhere in Michigan by 2007."

The MBDA continues to seek out new business opportunities across Michigan to provide broadband accessibility as well as affordability. The MBDA was created to help the state attract more private sector investment in high-speed Internet infrastructure, and to increase demand for and utilization of broadband services. It does so by offering 1) low-cost loans to telecommunications companies willing to make such investments and, 2) by offering organizations or “broadband users” low-cost financing for the acquisition of hardware/software applications that will improve or increase their use of broadband service. More information about the Michigan Broadband Development Authority and its programs can be found at www.BroadbandAuthority.org.